

JUL 28 2015

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA S. DUDLEY, CLERK
BY:  DEPUTY CLERK

DOSHAY ANTWAN SMITH,
Plaintiff,

v.

CONMED HEALTHCARE
MANAGEMENT,
Defendant.

Civil Action No. 7:15-cv-00336

MEMORANDUM OPINION

By: Hon. Michael F. Urbanski
United States District Judge

Doshay Antwan Smith, a Virginia inmate proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. Plaintiff names Conmed Healthcare Management as the sole defendant. However, Plaintiff does not describe any "personal" act or omission by the defendant. See, e.g., Powell v. Shopco Laurel Co., 678 F.2d 504, 506 (4th Cir. 1982). Section 1983 requires a showing of fault on the part of a defendant either based on the defendant's conduct or another's conduct in execution of the defendant's policies or customs. Fisher v. Washington Metro. Area Transit Author., 690 F.2d 1133, 1142-43 (4th Cir. 1982), abrogated on other grounds by Cnty. of Riverside v. McLaughlin, 500 U.S. 44 (1991). Accordingly, the court dismisses the complaint without prejudice, pursuant to 42 U.S.C. § 1997e(c)(1), for failing to state a claim upon which relief may be granted.

ENTER: This 28th day of July, 2015.


United States District Judge